them in a timely manner. Others may forgo those benefits in order to limit the number of people who have access to their medical history. Federal bureaucrats cannot possibly know, much less meet, the optimal level of privacy for each individual. In contrast, the free market allows individuals to obtain the level of privacy protection they desire.

The so-called ''medical privacy'' regulations not only reduce an individual's ability to determine who has access to their personal medical information, they actually threaten medical privacy and constitutionally-protected liberties. For example, these regulations allow law enforcement and other government officials access to a citizen's private medical record without having to obtain a search warrant.

Allowing government officials to access a private person's medical records without a warrant is a violation of the fourth amendment to the United States Constitution, which protects American citizens from warrantless searches by government officials. The requirement that law enforcement officials obtain a warrant from a judge before searching private documents is one of the fundamental protections against abuse of the government's power to seize an individual's private documents. While the fourth amendment has been interpreted to allow warrantless searches in emergency situations, it is hard to conceive of a situation where law enforcement officials would be unable to obtain a warrant before electronic medical records would be destroyed.

Mr. Speaker, these regulations also require health care providers to give medical records to the federal government for inclusion in a federal health care data system. Such a system would contain all citizens' personal health care information. History shows that when the government collects this type of personal information, the inevitable result is the abuse of citizens' privacy and liberty by unscrupulous government officials. The only fail-safe privacy protection is for the government not to collect and store this type of personal information.

In addition to law enforcement, these so-called ''privacy protection'' regulations create a privileged class of people with a federally-guaranteed right to see an individual's medical records without the individual's consent. For example, medical researchers may access a person's private

Forcing individuals to divulge medical information without their consent also runs afoul of the fifth amendment's prohibition on taking private property for public use without just compensation. After all, people do have a legitimate property interest in their private information. Therefore, restrictions on an individual's ability to control the dissemination of their private information represents a massive regulatory taking. The takings clause is designed to prevent this type of sacrifice of individual property rights for the ''greater good.''

In a free society such as the one envisioned by those who drafted the Constitution, the federal government should never force a citizen to divulge personal information to advance ''important social goals.'' Rather, it should be up to the individuals, not the government, to determine what social goals are important enough to warrant allowing others access to their personal property, including their personal information. To the extent these regulations sacrifice individual rights in the name of a bureaucratically-determined ''common good,'' they are incompatible with a free society and a constitutional government.

The collection and storage of personal medical information ''authorized'' by these regulations may also revive an effort to establish a ''unique health identifier'' for all Americans. The same legislation which authorized these privacy rules also authorized the creation of a ''unique health care identifier'' for every American. However, Congress, in response to a massive public outcry, has included a moratorium on funds for developing such an identifier in HHS budgets for the last three fiscal years.

By now it should be clear to every member of Congress that the American people do not want their health information recorded on a database, and they do not wish to be assigned a unique health identifier. According to a survey by the respected Gallup Company, 91 percent of Americans oppose assigning Americans a ''unique health care identifier'' while 92 percent of the people oppose allowing government agencies the unrestrained power to view private medical records and 88 percent of Americans oppose placing private health care information in a national database. Mr. Speaker, Congress must heed the wishes of the American people and repeal these HHS regulations before they go into effect and become a backdoor means of numbering each American and recording their information in a massive health care database.

The American public is right to oppose these regulations, for they not only endanger privacy but could even endanger health! As an OB-GYN with more than 30 years experience in private practice, I am very concerned by the threat to medical practice posed by these regulations. The confidential physician-patient relationship is the basis of good health care. Oftentimes, effective treatment depends on the patient's ability to place absolute trust in his or her doctor. The legal system has acknowledged the importance of maintaining physician-patient confidentiality by granting physicians a privilege not to divulge confidential patient information.

I ask my colleagues to consider what will happen to that trust between patients and physicians when patients know that any and all information given their doctor may be placed in a government database or seen by medical researchers or handed over to government agents without so much as a simple warrant?

Mr. Speaker, I am sure my colleagues agree that questions regarding who should or should not have access to one's medical privacy are best settled by way of contract between a patient and a provider. However, the government-insurance company complex that governs today's health care industry has deprived individual patients of control over their health care records, as well as over numerous other aspects of their health care. Rather than put the individual back in charge of his or her medical records, the Department of Health and Human Services' privacy regulations give the federal government the authority to decide who will have access to individual medical records. These regulations thus reduce individuals' ability to protect their own medical privacy.

These regulations violate the fundamental principles of a free society by placing the perceived ''societal'' need to advance medical research over the individual's right to privacy. They also violate the fourth and fifth amendments by allowing law enforcement officials and government favored special interests to seize medical records without an individual's consent or a warrant and could facilitate the creation of a federal database containing the health care data of every American citizen. These developments could undermine the doctor-patient relationship and thus worsen the health care of millions of Americans. I, therefore, call on my colleagues to join me in repealing this latest threat to privacy and quality health care by cosponsoring the Medical Privacy Protection Resolution.

TRIBUTE TO THE SACRAMENTO SYMPHONY LEAGUE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2001

Mr. MATSUI. Mr. Speaker, I rise in tribute to the Sacramento Symphony League. On March 14th, 2001, the League will host a luncheon to celebrate its 50th Anniversary. As the members gather to celebrate, I ask all of my colleagues to join me in saluting one of Sacramento's finest organizations.

Fifty years ago, the Sacramento Philharmonic Association asked Mrs. Sheldon Brandenburger to organize a women's group to promote the activities of the orchestra. Thirty charter members entered into an active program of musical and financial support forming the Sacramento Symphony League.

In the ensuing years, the Sacramento Symphony has enjoyed unparalleled success. With the introduction of Harry Newstone as conductor in 1963–1964, the symphony began to draw large audiences. The standing room only crowds helped the symphony gain recognition. In 1965–1966, the Sacramento Symphony was chosen by the Ford foundation to receive a five-year grant, which established a million-dollar endowment.

The orchestra's success continued until the Symphony Association filed for bankruptcy in September of 1996. In the wake of this unfortunate occurrence, the Sacramento Symphony League voted immediately to continue with the broader purpose of supporting classical music and youth education.

Today, the Sacramento Symphony League is once again flourishing. Through its ''Music in the Schools'' programs, the League has made a dramatic difference in Sacramento youth music education and participation.

The Music Ensemble Program provides ensembles to play in schools throughout the area for music education programs. The Docent Program provides teams to visit schools and present an educational puppet show with musical accompaniment. The Classroom Classics Program provides quality CD players and classical CDs for teachers to play in their classrooms. In addition, the League provides scholarships for student musicians and oversees an instrument restoration program for area schools.

Mr. Speaker, as the Sacramento Symphony League gathers to celebrate its 50th Anniversary, I am honored to pay tribute to an invaluable resource to the Sacramento community. The League's commitment to youth music programs has been commendable. I ask all of my colleagues to join with me in wishing the Sacramento Symphony League continued success in all its future endeavors.

A SPECIAL TRIBUTE TO MR. CLARENCE SCHIEFER IN RECOGNITION OF HIS HEROISM

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize a true hero, Mr. Clarence Schiefer, who was recently recognized for donating 50 gallons of blood. The recognition will be presented at a reception held in his honor by the Sandusky County Chapter of the American Red Cross.

Mr. Schiefer, from Fremont, OH, began donating blood at Heidelberg College many years ago. This retired school teacher, who served his country in the Navy during World War II, has spent more than 40 days of his life donating blood and platelets. His first 199 donations have been in the form of whole blood. Since then, Mr. Schiefer has been donating apherisis style, where a needle is placed in one arm and blood is processed through a Cobe Spectra Machine. This machine separates out blood platelets and returns the remaining blood to his body which allows him to donate more often because the body is capable of regenerating the donated platelets in about a day.

Mr. Schiefer's act of donating blood is an example of one of the most selfless acts of kindness and goodness. For more than 50 years, the American Red Cross has been a leader in blood collection, safety and development. In that time, their efforts have saved countless lives. This incredible act of kindness allows a stranger to celebrate another birthday, give birth to a child or share another Thanksgiving dinner with family and friends.

It is fitting, during American Red Cross month, to acknowledge not only the selfless efforts of Mr. Schiefer but also the efforts of the Sandusky Chapter of the American Red Cross and Red Cross Chapters across this country. Since 1960, this chapter has collected over 120,000 pints of blood.

Mr. Schiefer, volunteers of the Sandusky County Chapter of the American Red Cross and Red Cross Volunteers across the country, my colleagues of the 107th Congress and I salute you. Your selfless acts of volunteerism are an example for future generations.

TRIBUTE TO VAL ALVARADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a man of great courage and bravery, a man that this country owes a great debt to. On December 7, 1941, the Japanese attacked a sleeping Pearl Harbor, killing over 2,400 sailors. 60 years later, Val Alvarado of Montrose, Colorado recalls the events that brought the United States of America into the Second World War. Val, who was 18 years old at the time, served aboard the USS *Maryland*. Val's job was to load gun powder into the war ship's 16 inch guns. This was often referred to as the ''no warning'' tinder box of instant death.

Val and his shipmates were lucky to survive the strike on Pearl Harbor, but those of the neighboring USS *Oklahoma* were not. But if it were not for the fact that the *Oklahoma* was anchored next to them, Val would not be here today. In less than two hours, the United States lost 188 planes, 159 planes and had 18 U.S warships sunk or seriously crippled. But more than that, the U.S. lost over 2,400 service men, and another 1,100 were injured. One of the service men who died was a close boyhood friend of Val's. ''On the fifth day we had time to check on our buddies. I found out that my good friend Jimmy Robinson had been killed. . . . We both came from Montrose, we had gone to Morgan School in Montrose. Jimmy was the first man from Montrose to be killed in the war,'' Val remembered.

After the attack on Pearl Harbor, Val was transferred to the USS *McCalla,* whose war prowess is the stuff of legends. The *McCalla,* with Val in tow, returned to the Pacific where it would earn three battle stars.

During his time in the military, Val took part in the Armed Forces Olympics where he boxed in what the Armed Forces called the Nimitz Bowl. ''I won the fight between all the army, marines, and navy in the pacific theatre for my weight. I was pretty proud of that . . . I was pretty happy about that,'' according to Val.

Mr. Speaker, over 50 million people died in World War II. It took the courage of 18 year olds like Val for America to eventually win the war. That is why I am asking that we take this moment to recognize and honor Val Alvarado for his service to this country, and to wish him good luck in his future endeavors.

Val is the embodiment of the values that characterized the ''Greatest Generation''. For his service in WWII, America is exceedingly grateful.

MINING CLAIM MAINTENANCE ACT OF 2001

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2001

Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at giving the appropriate authorizing committee of the House an opportunity to do its job and resolve a matter that has had to be addressed by appropriations measures instead. In this regard, the legislation being introduced today would make permanent two provisions relating to the management of mining claims under the Mining Law of 1872.

First, the ''Mining Claim Maintenance Act of 2001'' would make permanent a provision first enacted into law on a temporary basis by the Omnibus Budget Reconciliation Act of 1993 and then reauthorized through 2001 by the Omnibus Appropriations Act for fiscal year 1999 requiring that holders of unpatented mining claims, mill and tunnel sites under the Mining Law of 1872 pay the Interior Department a $100 per year maintenance fee in order to hold the claim or site, as well as pay a one-time $25 location fee.

This provision is in lieu of the 1872 requirement that the holder of a claim or site conduct $100 per year of ''assessment work'' in order to maintain the claim or site and the associated annual filing requirement under the Federal Land Policy and Management Act of 1976.

As with current law, provision is also made in this legislation to waive this requirement for holders of valid oil shale claims who must comply with a different regime as set forth under the Energy Policy Act of 1992, as well as for individuals holding 10 or fewer mining claims.

Since this provision has been in effect, speculation on public domain lands under the guise of the Mining Law of 1872 has been dramatically reduced. Indeed, in the year this requirement went into effect there were over 3 million mining claims located on the public lands. Today, there are about 253,000.

Further, as with the current practice, I would expect that the Appropriations Committee would utilize the receipts from the holding fee for the purpose of offsetting the cost of the Interior Department administering the mining law program.

Second, this legislation would make permanent a provision that was first included in the fiscal year 1995 Interior Appropriations Act placing a moratorium on the issuance of what is known as a ''patent'' for any mining claim and mill site claim except in those situations where ''grandfather'' rights may exist. The purpose of this provision is to eliminate the absurd practice embodied in the Mining Law of 1872 that allows corporations to receive a patent, which represents fee simple title, to public domain lands encumbered by valid mining or mill site claims at $2.50 or $5.00 an acre depending on the type of claim involved.

Mr. Speaker, both of these provisions have received overwhelmingly bipartisan support when debated as part of the Interior Appropriations legislation over the past several years. I have wholeheartedly supported these actions, and would hope that the Appropriators will continue to include these provisions in the upcoming budget bills if the Resources Committee fails to act. Nonetheless, it is properly the duty of the authorizing committee, the Resources Committee, to address this issue.

These two provisions—the imposition of a maintenance fee and the end to patenting—are part of a larger issue relating to the need to reform the 1872 Mining Law. Unlike other extractive industries, such as coal, timber or oil and gas development, the hard rock mining industry enjoys a special status, provided under the 1872 Mining Law, that allows access and free use of our Nation's rich public domain lands.

As responsible stewards of the public domain and to meet our responsibilities to the American people, it is incumbent upon us to